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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/308,451	05/19/1999	ROBERT G. SCHWARTZ	8001.104/00	6174

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EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 01/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/308,451

Applicant(s)

SCHWARTZ ET AL.

Examiner

Sam Rimell

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). NO 2166
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Preliminary Note: The Information Disclosure Statement of 5//19/99 has been received and fully considered.

Claims 2-6, 8-12, 14-19, 21-24, 27-32, 35-39 and 41-45 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Each of the independent claims 1, 7, 13, 20, 26, 34 and 40 are addressed to an apparatus. Each of the dependent claims 2-6, 8-12, 14-19, 21-24, 27-32, 35-39 and 41-45 are addressed exclusively to printed symbols which are only functionally recited. As such, these symbols do not actually limit the structure of the apparatus, and thus do not further limit the independent claims addressed to an apparatus.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Whitney et al. ('834).

Claims 1-6: These claims only define an apparatus composed of a processor and an output. All of the remaining elements are functionally recited and cannot be attributed patentable weight. Whitney et al. discloses a processor (12) and an output (19).

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Claims 7-12: These claims only define an apparatus composed of a processor and an output. All of the remaining elements are functionally recited and cannot be attributed patentable weight. Whitney et al. discloses a processor (12) and an output (19).

Claims 13-19: These claims only define an apparatus composed of a processor and an output. All of the remaining elements are functionally recited and cannot be attributed patentable weight. Whitney et al. discloses a processor (12) and an output (19).

Claims 20-25: These claims only define an apparatus composed of a processor and an output. All of the remaining elements are functionally recited and cannot be attributed patentable weight. Whitney et al. discloses a processor (12) and an output (19).

Claims 26-33: These claims only define an apparatus composed of a processor, a comparator and an output. All of the remaining elements are functionally recited and cannot be attributed patentable weight. Whitney et al. discloses a processor (12), an output (19) and various comparators (any decision block in FIGS. 5A or 5B).

Claims 34-39: These claims only define an apparatus composed of an interface and a processor. All of the remaining elements are functionally recited and cannot be attributed patentable weight. Whitney et al. discloses an interface (15) and a processor (12).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.

Claims 40-45 are rejected under 35 U.S.C. 102(d) as being anticipated by Herbert ('592).

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Claims 40-45 are only directed to an apparatus composed of first and second print heads. All of the remaining elements are functionally recited and carry no patentable weight. Herbert discloses first and second print heads (31,32).

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'S. Rimell', is positioned above the printed name and title.

Sam Rimell
Primary Examiner
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